



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 4, 2020

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BY CM/ECF

The Hon. Valerie E. Caproni
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Conde et al.*, S1 19 Cr. 808 (VEC)

Dear Judge Caproni:

The Government writes to respectfully request a one-week adjournment of the deadline for the parties to submit proposed trial groupings. The deadline is currently set for today, December 4, 2020.

Trials in this matter are currently scheduled to begin on February 1, 2021, and March 1, 2021. Under existing courthouse COVID-19 protocols, only a limited number of defendants may participate in a single trial. Accordingly, the Court ordered the parties to submit proposed trial groupings by December 4, 2020. *See* Dkt. No. 97.

This week, the Government relayed a proposed trial grouping to defense counsel and has received feedback from counsel. Among other things, counsel have inquired about whether there are post-arrest statements by defendants that could implicate *United States v. Bruton*, 391 U.S. 123 (1968), and which may affect the defendants' proposed trial groupings. Although the Government believes there are no such statements that require any two defendants to be tried separately, the Government has agreed to cross-produce certain post-arrest statements by co-defendants. The parties are discussing how best to produce those statements – such as whether a protective order is appropriate – and those discussions have continued through today.

Accordingly, the Government seeks a one-week adjournment of the deadline for the parties to submit proposed trial groupings. An adjournment will permit the parties to discuss how best to share co-defendants' statements and complete their proposal for trial groupings. Counsel for

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Conde, Gnahore, Sylla, and Keita have consented to this request. The Government asked counsel for Bakayoko for consent, but has not received an answer.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

Application GRANTED. Proposed trial groupings are due by **December 11, 2020**.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

By:



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12/4/2020